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Pages: 8
Date/Time: 10/3/2005 11:48:30 AM
Subject: Petition, Amendment, and Response

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PTO/SB/64 (07-05)
Approved for use through 07/31/2006. OMB 0651-0031
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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) 2361-05102004
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First named inventor: JOEL FRIED

Application No.: 10/710,689

Art Unit: 3611

Filed: 07/28/04

Examiner: JOANNE SILBERMANN

Title: An Improved Portable Auxiliary Vehicle/ Automobile Warning Device

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity – fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of amendment and response _____ (identify type of reply):

has been filed previously on _____.
 is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ _____.
 has been paid previously on _____.
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

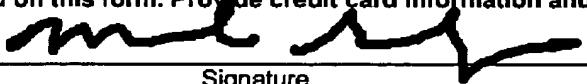
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3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

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Signature

9-30-2005

Date

MICHAEL L. GREENBERG

Typed or printed name

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Enclosures: Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: PLEASE CHARGE ALL FEES DUE AND OWING TO DEPOSIT ACCOUNT 50-0356.

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

10-3-2005

Date



Signature

MICHAEL L. GREENBERG

Typed or printed name of person signing certificate

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: JOEL FRIED

Serial No: 10/710,689 Group Art Unit: 3611

Filed: 07/28/04 Examiner: JOANNE SILBERMANN

For: An Improved Portable Auxiliary Vehicle/ Automobile Warning Device

AMENDMENT A

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following is filed in response to the office action for the above-referenced patent application mailed on February 24, 2005. Kindly amend the above-referenced patent application as follows:

In the Claims:

Kindly amend the claims as follows:

1-10. (canceled)

11. (new) A portable auxiliary vehicle/ automobile warning device capable of being installed/ deployed and/ or removeably secured by the user by simply reaching out of the window to set the device on the roof of the vehicle, comprising:

a flexible housing;

a visual display means on said housing, said visual display means for providing at least one message; and

a means for removeably securing said housing to the roof of the vehicle;

wherein said housing and said visual display means are waterproof and configured to be manipulated by a single hand of the user.

12. (new) The device of claim 11, wherein said housing is partitioned into separate joined sections.

13. (new) The device of claim 12, wherein said separate joined sections number three.

14. (new) The device of claim 12, wherein said separate joined sections fold upon one another.

15. (new) The device of claim 11, wherein said visual display means is a series of light emitting diodes.

16. (new) The device of claim 15, wherein said light emitting diodes are recessed into said housing.

17. (new) The device of claim 16, wherein said light emitting diodes are completely recessed into said housing.

18. (new) The device of claim 14, wherein said visual display means is a series of light emitting diodes that are completely recessed into said housing so that said light emitting diodes are not broken when said separate joined sections fold upon one another.
19. (new) The device of claim 11, wherein said housing, said visual display means, and said means for removeably securing said housing to the roof of the vehicle is lightweight.
20. (new) The device of claim 11, wherein said means for removeably securing said housing to the roof of the vehicle maintains said housing in an upright position, perpendicular to the horizontal plane of the roof of the vehicle.
21. (new) The device of claim 11, wherein said housing is water resistant.
22. (new) The device of claim 11 wherein said visual display means is waterproof or water resistant.
23. (new) The device of claim 11, wherein said means for removeably securing said housing to the roof of the vehicle is waterproof or water resistant.
24. (new) The device of claim 11, wherein said housing is small enough to fit in the glove compartment of a conventional automobile measuring roughly 1 ½ feet by 1 foot.

REMARKS

The drawings were objected to under 37 CFR 1.83(a). Specifically, the groove on the top of a mounting means with height control (Figures 4-6), a pulse generating means, and a sensor discriminator means must be shown or the feature(s) canceled from the claim(s). In response, all those features have been canceled from the amended claims.

Claims 1-10 were rejected under 35 USC 103(a) as being unpatentable over Fahs, US #5,132,666 in view of Schweinberger, US #6,129,035. In response, it is believed that the new claims overcome the rejection.

Applicant petitions for any extensions of time past the shortened-statutory period for response. Please charge all fees due and owing to Deposit Account No. 500356 in the name of Greenberg & Lieberman.

I hereby certify that this is being faxed with a petition to revive on October 3, 2005, to 571-273-8300.

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Regards,



Michael L. Greenberg

47312